

House Engrossed

State of Arizona  
House of Representatives  
Forty-seventh Legislature  
First Regular Session  
2005

CHAPTER 157

**HOUSE BILL 2462**

AN ACT

AMENDING SECTIONS 28-7901 AND 28-7902, ARIZONA REVISED STATUTES; RELATING TO  
HIGHWAY BEAUTIFICATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-7901, Arizona Revised Statutes, is amended to  
3 read:

4 28-7901. Definitions

5 In this article, unless the context otherwise requires:

6 1. "Business area" means an area that is outside municipal limits,  
7 that embraces all of the land on the same side of the highway on which one or  
8 more commercial or industrial activities are conducted, including all land  
9 within one thousand feet measured in any direction from the nearest edge of  
10 the actual land used or occupied for such activity, its parking, storage and  
11 service areas, its driveways and its established front, rear and side yards,  
12 that constitutes an integral part of such activity and that is zoned, under  
13 authority of law, primarily to permit industrial or commercial activity. If  
14 one or more commercial or industrial activities are located within one  
15 thousand feet of a freeway interchange, the business area shall extend three  
16 thousand feet measured in each direction parallel to the freeway from the  
17 center line of the crossroad but shall not extend beyond the limits of the  
18 established commercial or industrial zone.

19 2. "COMPREHENSIVE DEVELOPMENT" MEANS AN ACTIVITY IF ALL OF THE  
20 FOLLOWING APPLY:

21 (a) THE ACTIVITY IS COMPRISED PRIMARILY OF INDIVIDUAL COMMERCIAL OR  
22 INDUSTRIAL ACTIVITIES.

23 (b) THE ACTIVITY IS LOCATED ON LAND THAT IS ONLY ON ONE SIDE OF THE  
24 HIGHWAY.

25 (c) THE LOTS OR PARCELS WITHIN THE DEVELOPMENT ARE CONTIGUOUS EXCEPT  
26 FOR ROADWAYS OR DRIVEWAYS, WHETHER PUBLIC OR PRIVATE, THAT PROVIDE ACCESS TO  
27 THE DEVELOPMENT.

28 (d) THE RELEVANT COUNTY, CITY OR TOWN HAS APPROVED THE BOUNDARIES OF  
29 THE ACTIVITY AS A UNIFIED DEVELOPMENT WITH A COMMON IDENTITY AND AN  
30 INTERRELATED PLAN FOR PUBLIC AND PRIVATE IMPROVEMENTS, EITHER AS ORIGINALLY  
31 PLANNED OR AS AMENDED.

32 (e) THE ACTIVITY HAS COMMON AREAS SUCH AS PARKING, AMENITIES AND  
33 LANDSCAPING.

34 (f) THE ACTIVITY HAS A SCHEME OF COMMON OWNERSHIP THAT ACTIVELY  
35 PROVIDES FOR THE MANAGEMENT AND MAINTENANCE OF COMMON AREAS WITHIN THE  
36 DEVELOPMENT.

37 (g) THE PREMISES INCLUDES ALL LAND USED OR TO BE USED OR OCCUPIED FOR  
38 THE ACTIVITY. USES OF LAND THAT SERVE NO REASONABLE OR INTEGRATED PURPOSE  
39 RELATED TO THE ACTIVITY, OTHER THAN AN ATTEMPT TO QUALIFY THE LAND FOR  
40 SIGNING PURPOSES, ARE NOT PART OF THE COMPREHENSIVE DEVELOPMENT. FOR THE  
41 PURPOSES OF THIS SUBDIVISION, "PREMISES" INCLUDES:

42 (i) BUILDINGS.

43 (ii) PARKING.

44 (iii) STORAGE AND SERVICE AREAS.

45 (iv) STREETS.

1 (v) DRIVEWAYS.

2 (vi) LAND USED AND REASONABLY NECESSARY FOR LANDSCAPED FRONT, REAR AND  
3 SIDE YARDS.

4 ~~2-~~ 3. "Freeway" means a divided arterial highway on the interstate or  
5 primary system with full control of access and with grade separations at  
6 intersections.

7 ~~3-~~ 4. "Information center" means a site that is established and  
8 maintained at a safety rest area to inform the public of places of interest  
9 in this state and that provides other information the board considers  
10 desirable.

11 ~~4-~~ 5. "Interstate system" means the portion of the national system of  
12 interstate and defense highways located in this state that are officially  
13 designated by the board and approved by the United States secretary of  
14 transportation pursuant to 23 United States Code.

15 ~~5-~~ 6. "Main traveled way":

16 (a) Means the portion of a roadway for the movement of vehicles,  
17 excluding shoulders, on which through traffic is carried.

18 (b) In the case of a divided highway, means the traveled way of each  
19 of the separated roadways for traffic in opposite directions.

20 (c) Does not include facilities such as frontage roads or parking  
21 areas.

22 ~~6-~~ 7. "Outdoor advertising" means any outdoor sign, display, light,  
23 device, figure, painting, drawing, message, plaque, poster, billboard or  
24 other thing that is designed, intended or used to advertise or inform and the  
25 message of which is visible from any place on the main traveled way of the  
26 interstate, secondary or primary systems.

27 ~~7-~~ 8. "Primary system" means that portion of connected main highways  
28 located in this state that are officially designated by the board and  
29 approved by the United States secretary of transportation pursuant to 23  
30 United States Code.

31 ~~8-~~ 9. "Safety rest area" means a site established and maintained by  
32 or under public supervision or control for the convenience of the traveling  
33 public within or adjacent to the right-of-way of the interstate or primary  
34 systems.

35 10. "SCHEME OF COMMON OWNERSHIP" MEANS AN OWNERSHIP SCHEME IN WHICH THE  
36 OWNERS HAVE RECORDED IRREVOCABLE RIGHTS TO USE COMMON AREAS.

37 ~~9-~~ 11. "Secondary system" means that portion of connected highways  
38 located in this state that are officially designated by the board and  
39 approved by the United States secretary of transportation pursuant to 23  
40 United States Code.

41 ~~10-~~ 12. "Tourist related advertising display" means any outdoor  
42 advertising that advertises a specific public or private facility,  
43 accommodation, goods or service, at a particular location or site, including  
44 an overnight lodging, campsite, food service, recreational facility, tourist

1 attraction, educational or historical site or feature and automotive service  
2 facility or garage.

3 ~~11-~~ 13. "Unzoned commercial or industrial area" means an area that is  
4 not zoned under authority of law and in which land use is characteristic of  
5 that generally permitted only in areas that are actually zoned commercial or  
6 industrial under authority of state law, that embraces all land on the same  
7 side of the highway on which one or more commercial or industrial activities  
8 are conducted, including all land within one thousand feet measured in any  
9 direction from the nearest edge of the actual land used or occupied by this  
10 activity, its parking, storage and service areas, its driveways and its  
11 established front, rear and side yards, and that constitutes an integral part  
12 of this activity. As used in this paragraph, commercial or industrial  
13 activities do not include:

- 14 (a) Outdoor advertising structures.
- 15 (b) Agricultural, forestry, grazing, farming and related activities.
- 16 (c) Transient or temporary activities, including wayside fresh produce  
17 stands.
- 18 (d) Activities not visible from the main traveled way.
- 19 (e) Activities conducted in a building principally used as a  
20 residence.
- 21 (f) Railroad tracks and minor sidings and aboveground or underground  
22 utility lines.

23 Sec. 2. Section 28-7902, Arizona Revised Statutes, is amended to read:  
24 28-7902. Outdoor advertising authorized

25 A. The following outdoor advertising may be placed or maintained along  
26 an interstate, secondary or primary system within six hundred sixty feet of  
27 the edge of the right-of-way:

28 1. Directional or other official signs or notices that are required or  
29 authorized by law, including signs pertaining to natural wonders and scenic  
30 and historic attractions.

31 2. Signs, displays and devices ~~advertising activities conducted on the~~  
32 ~~property on which they are located~~ THAT ARE LOCATED ON THE PREMISES OF THE  
33 ACTIVITY THAT THEY ADVERTISE. THIS PARAGRAPH APPLIES TO ANY SIGN THAT IS  
34 LOCATED ON THE PREMISES OF A COMPREHENSIVE DEVELOPMENT THAT THE SIGN  
35 ADVERTISES IF THE PLACEMENT OF THE SIGN DOES NOT CAUSE A REDUCTION OF FEDERAL  
36 AID HIGHWAY MONIES PURSUANT TO 23 UNITED STATES CODE SECTION 131. FOR THE  
37 PURPOSES OF THIS PARAGRAPH, "ACTIVITY" MEANS THE ACTIVE USE OR COLLECTIVE  
38 USES OF THE PREMISES.

39 3. Signs, displays and devices advertising the sale or lease of the  
40 property on which they are located.

41 4. Signs, displays and devices lawfully placed after April 1, 1970 in  
42 business areas.

43 5. Signs, displays and devices lawfully placed after either:

44 (a) July 1, 1974 in zoned or unzoned commercial or industrial areas  
45 inside municipal limits.

1 (b) April 1, 1972 in unzoned commercial or industrial areas outside  
2 municipal limits.

3 6. Signs, displays and devices that are lawfully existing on April 1,  
4 1970 and that are located in business areas and in zoned commercial or  
5 industrial areas outside municipal limits.

6 7. Signs, displays and devices lawfully existing on either:

7 (a) July 1, 1974 that are located in zoned or unzoned commercial or  
8 industrial areas inside municipal limits.

9 (b) April 1, 1972 in unzoned commercial or industrial areas outside  
10 municipal limits.

11 8. Nonconforming tourist related advertising displays that are  
12 lawfully erected and in existence on May 5, 1976, that are located in defined  
13 hardship areas, that provide specific directional information to the  
14 traveling public and that are approved by the United States secretary of  
15 transportation pursuant to 23 United States Code section 131(o).

16 9. A sign located in a charter city adjacent to an interstate highway  
17 with a changing message for identification of businesses that are located on  
18 separate contiguous parcels and that are part of a single development  
19 approved by a city council as part of a development agreement entered into  
20 before April 22, 1990. The changing message may not contain words or phrases  
21 that continuously travel or scroll in a manner that presents a message longer  
22 than may be displayed on the sign at one instant in time. The director may  
23 adopt rules governing the interval within which a message may be displayed or  
24 changed. This paragraph does not alter, change or affect any other statute,  
25 rule, regulation, policy or interpretation concerning the use of signs with  
26 changing messages or the ownership of property on which the signs are  
27 located.

28 B. Outdoor advertising authorized under subsection A, paragraphs 1, 4  
29 and 5 shall conform with standards contained and shall bear permits required  
30 in rules adopted by the director under this article, except that the  
31 authorized outdoor advertising along highways in the secondary system that  
32 are not state highways need only bear permits required by the responsible  
33 county or municipal authority.

34 C. Outdoor advertising authorized under subsection A, paragraphs 6 and  
35 7 need not conform to standards contained but shall bear permits required in  
36 rules adopted by the director under this article, except that the authorized  
37 outdoor advertising along highways in the secondary system that are not state  
38 highways need only bear permits required by the responsible county or  
39 municipal authority.

40 D. If preservation would be consistent with this article, signs may be  
41 preserved or maintained if they were lawfully in existence on October 22,  
42 1965 and if the director determines, subject to the approval of the United  
43 States secretary of transportation as provided for by 23 United States Code  
44 section 131(c), that they are landmark signs, including signs on farm  
45 structures or natural surfaces, of historic or artistic significance.

Passed the House March 8, 2005

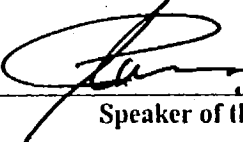
Passed the Senate April 13, 2005

by the following vote: 36 Ayes,

by the following vote: 19 Ayes,

22 Nays, 2 Not Voting

8 Nays, 3 Not Voting



Speaker of the House

Speman L. Moore  
Chief Clerk of the House

Marilyn Garrett  
President of the Senate  
Pro Tempore

Charmine Bellinger  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

14th day of April, 2005

at 3:15 o'clock P. M.

Winnifred Barra  
Secretary to the Governor

Approved this 20 day of

April, 2005,

at 2:15 o'clock P. M.

JA Noyes  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 20 day of April, 2005,

at 4:10 o'clock P. M.

Janice K. Brewer  
Secretary of State